

**TOWN COUNCIL  
REGULAR MEETING  
JUNE 19, 1996**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:12 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present were Mayor Venis, Vice-Mayor Cox and Councilmembers Bush (arrived at 9:22 p.m.), Kiar and Santini. Also present were Town Administrator Flatley, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

**3. PRESENTATIONS**

*Service Awards*

**3.1 Gary Lee, Maintenance Technician II - Five Years**

Mayor Venis presented Mr. Lee with a service award.

**3.2 Joann Carter, Police Officer - Ten Years**

Officer Carter was not present.

**3.3 Robert LaBelle, Police Officer - Ten Years**

Mayor Venis presented Officer LaBelle with a service award.

**3.4 Ross Rowland, Maintenance Technician I, Ten Years**

Mayor Venis presented Mr. Rowland with a service award.

**3.5 Gary Sylvestri, Police Officer - Ten Years**

Officer Sylvestri was not present.

*To Council*

**3.6 Broward County March for Jesus**

Esther Forget thanked the Town and the Police Department for its support for the organization to hold its first march in Broward County. Walter Reeger presented two plaques recognizing the Police Department's efforts in coordinating the march.

**3.7 Community Redevelopment Agency**

Neal Kalis, Chairman, updated Council on the Agency's efforts and the unified commitment to the redevelopment of the downtown.

**4. OCCUPATIONAL LICENSES**

*Home Occupational Licenses*

**4.1 Lyons Roofing, Inc., 14011 SW 36 Court**

Jack Lyons, representing the applicant, was present. He confirmed that the request was for mail and phone use only.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - absent; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

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**4.2 Sheco Worldwide Import Export Co., 14090 SW 28 Court**

Sheila Rapavi, representing the applicant, was present. She confirmed that the request was for mail and phone use only.

Councilmember Santini made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - absent; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

**4.3 Short Travel, Inc., 11903 SW 44 Street**

Elizabeth Short, representing the applicant, was present. She confirmed that the request was for mail and phone use only.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - absent; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

Mayor Venis advised that a request had been made to hear item 8.11 earlier in the meeting due to another commitment. No objections were noted.

8.11 Mr. Webber explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in the witnesses.

Richard Rubin, representing the petitioner, requested that this item be heard later in the meeting as the petitioner's attorney and geologist were not present.

Michele Mellgren, Director of Development Services, provided an update on the land use plan amendment. Vice-Mayor Cox suggested that this issue be returned to its original agenda location.

Mayor Venis stated that the petitioner was supposed to have provided a geological study and to meet with the residents. He questioned if meetings had been held. Mr. Rubin indicated that meetings had not been held as an impasse had been reached as the residents did not want any change to the property.

Council agreed to return the agenda to its original location.

**5. COUNCILMEMBER COMMENTS**

**COUNCILMEMBER BUSH**

Councilmember Bush was not present.

**VICE-MAYOR COX**

**DEDICATION OF NEW FIELDS.** Vice-Mayor Cox stated that she attended the dedication of the new fields at the Flamingo Elementary School.

**DRIFTWOOD ESTATE PARK.** Vice-Mayor Cox announced that the Driftwood Estate Park rededication would be held on July 13th at 10:00 a.m.

**HABITAT HOME.** Vice-Mayor Cox stated that she attended the dedication of the Habitat home and additional improvements were being made.

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**BICYCLE AND TRAIL LINK.** Vice-Mayor Cox stated that pilings would begin to be installed on the bridge between the Robbins property and the property on the west side. She indicated that this would start the bicycle and trail link between Flamingo Road, the Kapok Tree property and the Robbins property.

**COUNCILMEMBER SANTINI**

**CHAMBER OF COMMERCE BREAKFAST.** Councilmember Santini stated that the topic at the breakfast regarded the legislative session. She advised that the legislation was moving to reduce the corporate annual fee to a more reasonable fee.

**ROBBINS PROPERTY.** Councilmember Santini thanked Community Services Director Sharon Pierce-Kent for the banner that was located on the Robbins property.

**NEW UNIVERSITY BUILDING.** Councilmember Santini stated that Nova Southeastern University would be dedicating its new building on June 22nd.

**JUNE 7TH WORKSHOP.** Councilmember Santini stated that a workshop was held on June 7th between Council, the CRA and the Joint Economic Development Steering Committee to discuss the downtown. She indicated that all groups seemed to be moving in the same direction.

**TRAFFIC LIGHT.** Councilmember Santini stated that the wall at the intersection of 30th Street and Pine Island Road had been removed, however, there was no traffic light. She advised that a light would be installed within 30 days.

**JULY 4TH EVENT.** Councilmember Santini stated that July 4th activities would be held at the Pine Island Community Center and that the money for the fireworks display was being donated. Bonnie Stafiej, Community Projects Coordinator, discussed that activities that would be held. She thanked the sponsors for the donations.

**COUNCILMEMBER KIAR**

**JULY 4TH EVENT.** Councilmember Kiar stated that the Child Safety Board would be having a booth at this event.

**BIRTHDAY WISHES.** Councilmember Kiar wished his son, Martin, and daughter, Casey, a happy birthday.

**BEST PLACE TO LIVE.** Councilmember Kiar stated that the Fort Lauderdale area was considered the fourth best place to live within the United States.

**TOM THUMB FACILITY.** Councilmember Kiar stated that he was unable to attend the meeting that Council had held with the Hawkes Bluff residents to discuss the Tom Thumb facility. He was vehemently opposed to any type of ingress/egress from this facility onto Hawkes Bluff Avenue.

**BOYS AND GIRLS CLUB/POLICE ATHLETIC LEAGUE.** Councilmember Kiar stated that he was proud of the members of the Boys and Girls Club who were in the audience. He added that he was also proud of the members of the Police Athletic League.

**MAYOR VENIS**

**WORKSHOP.** Mayor Venis announced that a workshop would be held on June 27th to discuss the group home facility that was being built in the western area of the Town. Ms. Mellgren clarified that this was a staff workshop.

**CHARTER SCHOOLS MEETING.** Mayor Venis stated that a meeting would be held on June 21st regarding charter schools.

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**DEDICATION OF NEW FIELDS.** Mayor Venis stated that he attended the groundbreaking ceremony of the new fields at Flamingo Elementary School.

**DEDICATION SPEECH.** Mayor Venis stated that gave a speech at the new Parkway Christian Church.

**NOISE BARRIER.** Assistant Town Administrator Robert Rawls explained that the State of Florida had a process to eradicate malelucca trees; however, these trees were an effective visual and noise buffer for the Ivanhoe community residents. Mr. Rawls indicated that the State would be constructing a berm with vegetation and dialogue was continuing in the hopes of greater success. He added that that the Waterford area residents were also impacted by the noise and solutions were being researched.

**DAVIE NIGHT.** Mayor Venis stated that he had met with the Florida Marlins officials and advised that August 11th would be Davie Night at the Joe Robbie Stadium.

**SUMMER CAMPS/SCHOOL RESOURCE OFFICER.** Mayor Venis stated that the Town was the only municipality in Broward County that paid the Broward County School Board for the use of facilities. He asked Ms. Stafiej to work with Mr. Flatley on this matter to try to have these fees waived. Councilmember Santini asked that a refund be requested. Ms. Pierce-Kent advised that the Town paid for custodial service.

Councilmember Kiar questioned who paid the cost of School Resource Officers. Chief of Police Jack Mackie explained that the School Board reimbursed the Town approximately \$10,000, however, it cost almost \$60,000 to provide the officer. He indicated that the Broward Chief's of Police Association was requesting that the School Board reimburse \$15,000 but resistance was being met. Councilmember Kiar suggested that the Town demand that the School Board pay the entire cost of the officer. Chief Mackie advised that the Broward Chief's Association was taking this stand.

**TOM THUMB.** Mayor Venis thanked Mr. Flatley and Mr. Rawls regarding their efforts with the Tom Thumb issue.

**6. CONSENT AGENDA**

*Minutes*

- 6.1 May 8, 1996 - Workshop Meeting
- 6.2 May 21, 1996 - Workshop Meeting
- 6.3 May 28, 1996 - Equalization Board Meeting

*Proclamation*

- 6.4 Olympic Flame Day - July 5, 1996

*Resolutions*

- 6.5 **LEASE AMENDMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LEASE AGREEMENT BETWEEN FLAMINGO ELEMENTARY SCHOOL SITE (2541) AND THE TOWN OF DAVIE, FLORIDA. (Athletic fields)**

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- 6.6 PLAT IMPROVEMENTS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, ELISE M. MEEKS, KATHLEEN M. LENHARDT, AND WILLIAM H. MEEKS RELATING TO THE INSTALLATION OF REQUIRED IMPROVEMENTS WITHIN THE MEEKS FARMS PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURE TO SAID AGREEMENT. (P 6-2-93, 5700 South University Drive)
- 6.7 SUBDIVISION PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A SUBDIVISION PLAT AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 4-1-96, Forest Ridge - Single Family VI) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the planning report*
- 6.8 SUBDIVISION PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A SUBDIVISION PLAT AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 4-2-96, Forest Ridge - Single Family VII) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the planning report*
- 6.9 SUBDIVISION PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A SUBDIVISION PLAT AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 4-3-96, Forest Ridge - Single Family VIII) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the planning report*
- 6.10 FIREWORKS DISPLAY** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE RANKINGS FOR AN INDEPENDENCE DAY FIREWORKS DISPLAY AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR SUCH SERVICES. (\$10,000; Zambelli Internationale)
- 6.11 ACQUISITION OF REAL PROPERTY** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE DAVIE COMMUNITY REDEVELOPMENT AGENCY'S ACQUISITION OF CERTAIN REAL PROPERTY IN THE NEIGHBORHOOD REVITALIZATION AREA, RATIFYING A CERTAIN RELOCATION PAYMENT, AND WAIVING THE TOWN'S PERMIT FEES FOR A COMMUNITY REDEVELOPMENT AGENCY SPONSORED RELOCATION HOUSE IN THE EASTSIDE NEIGHBORHOOD. (Montgomery, 4299 SW 55 Avenue - \$68,600 paid by grant money)

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- 6.12 **WATER AND SEWER CHARGES** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE PAYMENT OF WATER AND SEWER CHARGES TO THE TOWN OF DAVIE FOR THE EASTSIDE COMMUNITY HALL PROJECT. (\$11,200)
- 6.13 **WAIVING FORMAL BIDDING** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, WAIVING FORMAL BIDDING AND APPROVING THE PURCHASE OF THE PRODUCT REBOUND. (American Tire Recyclers - \$130,877)
- 6.14 **TERMINATION AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A TERMINATION AGREEMENT ON BEHALF OF THE TOWN OF DAVIE REGARDING THE ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY OF THE BUCKRAM OAK FARM PLAT; AND PROVIDING AN EFFECTIVE DATE.
- 6.15 **BLASTING INTERLOCAL AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE CITY OF PEMBROKE PINES REGARDING THE GRANTING OF NON-EXCLUSIVE AUTHORITY BY DAVIE TO PEMBROKE PINES TO RESOLVE CLAIMS OF DAVIE LANDOWNERS FOR BLASTING DAMAGE ORIGINATING FROM PEMBROKE PINES; AND PROVIDING AN EFFECTIVE DATE
- 6.16 **ANNEXATION AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN ANNEXATION AGREEMENT BETWEEN JOLMY ENTERPRISES, INC. AND THE TOWN OF DAVIE, FLORIDA.
- 6.17 **OLYMPIC BANNERS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN AND BROWARD COUNTY FOR THE INSTALLATION OF OLYMPIC BANNERS ON COUNTY STREET LIGHT POLES ALONG DAVIE ROAD BETWEEN I595 AND GRIFFIN ROAD.

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*Ordinances - First Reading (Public Hearing to be held on July 3, 1996)*

**6.18 CHARTER CHANGES** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING A NEW CHARTER; PROVIDING FOR PORTIONS OF THE EXISTING CHARTER TO BE CONVERTED TO ORDINANCES; PROVIDING FOR CREATION AND POWERS; PROVIDING FOR CORPORATE LIMITS; PROVIDING FOR POWER AND JURISDICTION; PROVIDING FOR LEGISLATIVE POWERS OF TOWN; PROVIDING FOR FORM OF GOVERNMENT; PROVIDING FOR ADMINISTRATIVE DEPARTMENT; PROVIDING FOR THE COUNCIL, MAYOR AND LEGISLATION; PROVIDING FOR FINANCE; PROVIDING FOR ELECTIONS; AND PROVIDING FOR TRANSITION SCHEDULE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Venis asked that items 6.13, 6.15, 6.16, and 6.18 be removed from the Consent Agenda. Councilmember Kiar asked that items 6.7, 6.8, and 6.9 be removed.

Town Clerk Reinfeld read the ordinance - first reading by title only. Mayor Venis advised that a public hearing on item 6.18 would be held on July 3, 1996.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve the Consent Agenda without items 6.7, 6.8, 6.9, 6.13, 6.15, 6.16, and 6.18. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - absent; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

6.7, 6.8 and 6.9 Councilmember Kiar requested that a vote be taken on each item. Councilmember Santini suggested that the vote on these items be held until Councilmember Bush arrived. No objections were noted. (These items were approved later in the meeting.)

6.13 Mayor Venis questioned if a full grant was received for this purchase or was the Town providing matching funds. Ms. Pierce-Kent believed that the Town was matching funds. Christopher Wallace, Director of Budget and Finance, advised that the grant was being divided evenly between the Town and the State of Florida.

Vice-Mayor Cox made a motion, seconded by Councilmember Kiar, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - absent; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

6.15 Mr. Webber explained the purpose of the agreement. Mayor Venis asked if item 4 could be changed from three years to ten years and item 5 eliminated. Mr. Webber replied affirmatively. Mayor Venis asked that verbiage be included in the resolution indicating that because notification was sent to the Town's residents and pre-blast inspections, the residents should have the chance at being heard before the blasting mediator.

Councilmember Kiar made a motion, seconded by Vice-Mayor Cox, to approve as amended. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - absent; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

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6.16 Debbie Orshefsky, representing the property owner, was present. Mayor Venis asked if the property would be subject to special assessments. Ms. Orshefsky replied affirmatively.

Ms. Orshefsky asked that paragraph 6 regarding signage be amended by adding after Broward County Code, "as it may be amended from time to time, or modified by State statutes, federal regulation or judicial action". She added that in the same paragraph, line 3, language would be added to include I-595 and the Florida Turnpike. She indicated that she would incorporate that entry signage be reviewed by the Town's Site Plan Committee.

Councilmember Santini stated that she would prefer that the billboard be on either side of the property outside the Town's limits. Ms. Orshefsky advised that she would pass this request on to the property owner. Vice-Mayor Cox suggested that a billboard agreement be entered into such as the one under consideration later in the meeting. Ms. Orshefsky stated that she could not commit to this suggestion at this time.

Mr. Webber advised that he had not participated in this agreement as he had an attorney-client privilege.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - absent; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

6.18 Mr. Webber explained that this ordinance provided for a new Charter which would simply the current Charter. He stated that basic provisions in the Charter would remain; however, other provisions that were not necessary would be converted to ordinance form. Mr. Webber advised that if the new Charter was approved, the portions of the old Charter that would be converted to ordinances would be reviewed.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - absent; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

**7. SITE PLANS**

- 7.1 SP 2-7-96, Belmont Lakes at Davie, southeast corner of SW 14 Street and Shotgun Road (AG) Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report as amended, having the Town make the necessary requests if additional lighting on SW 154 Avenue was required, widening the trails on SW 14 Street and SW 154 Avenue to 13 feet, and moving the PVC fencing between the sidewalk and the trails while allowing the petitioner the option of utilizing a second PVC fence as originally proposed

Dan Oyler, Development Programs Manager, requested that this item be heard after item 8.2 as the rezoning related to this matter. (The item was approved later in the meeting.)

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- 7.2 SP 4-6-96, The Enclave a/k/a Stirling Dykes Plat, southeast corner of Stirling Road and Dykes Road (R-3) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report*

Frank Aguirre, representing the petitioner, was present. Mr. Oyler read the planning report.

Councilmember Santini questioned if solid walls had been addressed. Ms. Mellgren advised that this issue had been discussed primarily for the western areas. Vice-Mayor Cox stated that the Town did not have a mechanism to deny a wall around a community.

Councilmember Kiar asked if Council could vote against the request. Mr. Webber replied that the site plan had to be approved if it was in compliance with the Town's ordinance. Ms. Mellgren advised that the site plan met all technical requirements of the Town's Code. Discussion followed on the wall.

Mr. Aguirre suggested that this item be tabled and he would return with more information.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to table the item for two weeks (July 3, 1996). In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - absent; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

- 7.3 SP 4-8-96, Silver Springs Ranches, northeast corner of Shot Gun Road and SW 26 Street (R-1) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report*

Frank Aguirre, representing the petitioner, was present. Mr. Oyler read the planning report.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - absent; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

## **8. PUBLIC HEARINGS**

Mayor Venis opened the public hearing.

### *Resolution*

- 8.1 **BOND REFERENDUM - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CALLING FOR A REFERENDUM REGARDING THE ISSUANCE OF GENERAL OBLIGATION BONDS BY THE TOWN OF DAVIE IN AN AMOUNT NOT TO EXCEED NINE MILLION EIGHT HUNDRED THOUSAND DOLLARS FOR THE PURPOSE OF CONSTRUCTING AND FURNISHING A POLICE, FIRE, EMERGENCY MEDICAL SERVICES AND TOWN HALL ANNEX FACILITY; PROVIDING FOR PUBLICATION OF NOTICE OF SAID REFERENDUM; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the ordinance by title.

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Mayor Venis asked if anyone wished to speak for or against the ordinance.

Al Tyler, 8090 SW 19 Court, spoke in favor.

Mayor Venis closed the public hearing.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - absent; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

Vice-Mayor Cox questioned if the Broward County Supervisor of Election's Office had advised which ballot this question would be placed on. Town Clerk Reinfeld replied negatively. Mr. Flatley advised that an answer should be received by July 17th.

*Ordinances - Second and Final Reading*

**8.2 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG TO R-1; AMENDING THE ZONING MAP OF SAID TOWN TO COMPLY THEREWITH; AND PROVIDING AN EFFECTIVE DATE. (ZB 4-2-96, 15300 SW 14 Street)**

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Kiar made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - absent; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

**8.3 ANNEXATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA ANNEXING TO THE TOWN OF DAVIE A PORTION OF FERNCREST RIDGE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 49, AT PAGE 29, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA TOGETHER WITH A PORTION OF TRACTS 5 AND 6 OF TIER 13, A PORTION OF TRACTS 5 AND 6 OF TIER 15, AND A PORTION OF TRACT 5 OF TIER 17, NEWMAN'S SURVEY, ACCORDING TO THE PLAT THERE, AS RECORDED IN PLAT BOOK 2, PAGE 26, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; ALL LOCATED WITHIN SECTIONS 23 AND 24, TOWNSHIP 50 SOUTH RANGE 41 EAST, LYING AND BEING IN BROWARD COUNTY, FLORIDA, PLUS ANY INTEREST OF PETITIONER IN ADJACENT PUBLIC RIGHTS-OF-WAY**

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

Dean Alexander asked that future annexations provide a general location of the property. Mr. Flatley explained the location.

Debbie Orshefsky, representing the property owner, was present. She thanked the Town for its support on this matter.

Mayor Venis closed the public hearing.

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Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - absent; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

7.1 Quinn Turner, representing the petitioner, was present. Mr. Oyler read the planning report. An unidentified woman explained the fence that would be installed.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - absent; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

8.9 Mayor Venis advised that item 8.9 needed to be tabled to July 3, 1996.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to table [July 3, 1996]. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - absent; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

8.10 and 9.3 Mayor Venis advised that item 8.9 needed to be tabled to July 17, 1996.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to table [July 17, 1996]. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - absent; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

**8.4 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 12 OF THE TOWN CODE BY REPEALING ARTICLE VI, ENTITLED "SITE LANDSCAPING AND BUFFER YARD PERFORMANCE STANDARDS"; ADOPTING A NEW ARTICLE VI ENTITLED "SITE LANDSCAPING"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. Ms. Mellgren and Mr. Oyler explained the ordinance. As no one spoke, the public hearing was closed.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - absent; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

**8.5 SUSPENSION OF PLAN REVIEW FOR TELECOMMUNICATION TOWERS - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING A SUSPENSION OF REVIEW OF SITE PLANS FOR TELECOMMUNICATION TOWERS, ANTENNAE OR SIMILAR STRUCTURES, FOR A PERIOD OF 180 DAYS, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the ordinance by title.

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Mayor Venis asked if anyone wished to speak for or against the ordinance.

Gerry Knight, representing PrimeCo Personal Communications, stated that his clients were interested in working with the Town in preparing a new ordinance.

Anthony Flores, representing AT & T Wireless, concurred with Mr. Knight and offered his client's services to work with the Town on any new language.

Mayor Venis closed the public hearing.

Vice-Mayor Cox made a motion, seconded by Councilmember Kiar, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - absent; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

**8.6 SUSPENSION OF PLAN REVIEW FOR SPECIAL RESIDENTIAL FACILITIES - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING A SUSPENSION OF REVIEW OF SITE PLANS OR BUILDING PERMITS FOR ANY AND ALL EXISTING OR PROPOSED SPECIAL RESIDENTIAL FACILITIES FOR A PERIOD OF 180 DAYS, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

Jeanie Mesler, 13300 SW 29 Street, asked if the Town was suspending the plan. Vice-Mayor Cox explained that site plans were being suspended to allow staff to review how the facilities were brought into the Town and if regulations could be incorporated. Ms. Mellgren indicated that this ordinance would suspend building permits for any group homes. She provided answers to Ms. Mesler's specific questions. Mr. Webber explained the severability provision.

Al Tyler was glad that the Town was looking into issues regarding group home facilities.

Ms. Mellgren explained that the Florida State Statutes mandated that municipalities provide group home facilities. She said that this review would allow for standards or regulations that might exercise more control to ensure continued compatibility within the residential neighborhoods.

Mayor Venis closed the public hearing.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - absent; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

**8.7 REZONING - ZB 5-1-96, Kalis/Olivieri, Shaw, & Robinson, 11701 Orange Drive (from CR to A-1) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the deed restrictions***

Mr. Webber stated that the rules concerning the admission of evidence were explained earlier in the meeting. Town Clerk Reinfeld swore in the witnesses. Gayle Easterling, Town Planner, read the planning report and stated that the following documents were to be included into the record: the application, the subject site map, planning report, and an aerial.

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Neil Kalis, representing the petitioner, confirmed the voluntary deed restrictions and stated the uses that would not be allowed on the property.

Mr. Webber asked if anyone wished to provide testimony in favor of the rezoning. The following individuals spoke:

Lynn Crespo, 11824 SW 43 Court. She read a letter from the secretary of the homeowners association, Claudette Bonnville, urging approval of the request.

David Brown, 11868 SW 43 Court. He read a letter expressing appreciation to the petitioners for working with the residents.

Mr. Webber asked if anyone wished to provide testimony in opposition to the rezoning. No one spoke.

Mr. Webber stated that the hearing was concluded and Council could deliberate.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

6.7 Vice-Mayor Cox made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - no; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - no; and Councilmember Santini - yes. (Motion carried 3-2)

6.8 Vice-Mayor Cox made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - no; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - no; and Councilmember Santini - yes. (Motion carried 3-2)

6.9 Councilmember Santini made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call, the vote was as follows: Mayor Venis - no; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - no; and Councilmember Santini - yes. (Motion carried 3-2)

8.12 Mayor Venis indicated that this item would be heard at this time. No objections were noted.

Town Clerk Reinfeld read the ordinance by title.

Jacquelyn Tucker, representing the Boys and Girls Club, stated that the proposed billboards would provide the financial basis to serve the Town's youth.

Sophia Cameron spoke in favor of the ordinance.

David Hughes, Executive Director of Boys and Girls Club, spoke in favor of the ordinance.

Martha Ignasiak, Davie/Cooper City Chamber of Commerce, spoke in favor of the ordinance.

Debbie Orshefsky, representing Gold Coast Advertising, was present. Mr. Webber stated that he had the following changes: 1) in paragraph 9(d), specifically describe that limits of the signage to be along I-595, I-75 and the Turnpike corridors; 2) after paragraph 9(f),

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add that Council had the right to reject any proposed site; and 3) after paragraph 9(f)(b), add that the funding project benefit non-profit corporations exclusively serving the Town's residents.

Councilmember Santini suggested that the billboard distance requirement be 100 feet from the closest distance. Councilmember Kiar agreed. Ms. Orshefsky indicated that if the requirement was from the edge of the billboard, the distance from the center pole would be 124 feet. She indicated that few of the proposed sites were this close. Councilmember Kiar suggested that the document be amended to read that the distance be 124 feet from the pole.

Councilmember Santini stated that gross proceeds needed to be changed to gross revenues. She questioned who was paying for the Certified Public Accountant and if an audit review or compilation of books was required. Mayor Venis stated that an accountant for Goldcoast Advertising would be preparing a report, however, the Town had the right to review and examine the books. Councilmember Santini suggested that the ordinance be clarified.

Councilmember Santini stated that she did not like "that such approval shall not be unreasonably withheld" on item 10, Assignment.

Regarding the Certified Public Accountant, Mayor Venis asked that specific language be added that the Town's Budget and Finance Department would verify the figures.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

Tom Truex, 4740 SW 72 Avenue, director of the Emergency Service Assistance Effort (EASE), spoke in favor of the ordinance. He asked that EASE be included as one of the charities. Mr. Truex stated that the ordinance provided no mechanism for a contract to be awarded directly to a non-profit company and suggested that a mechanism be added where the EASE Foundation be awarded the contract. He added that EASE would then negotiate a contract with the billboard company. Mr. Webber indicated that EASE could probably be listed as the permittee. Vice-Mayor Cox stated that the permittee had to post bonds, provide insurance and indemnify the Town.

Councilmember Kiar stated that it had previously been discussed that ten sites were reserved for the Boys and Girls Club, one site for EASE and one site for the Police Athletic League. Mayor Venis agreed. Mr. Webber indicated that these organizations could come in as far as the certification of site process. He said that under the proposed ordinance, an outdoor advertising company was needed.

Jay Stahl, 5801 Surrey Circle West, spoke in favor as long as the billboards remained in a commercial corridor.

Joel Gustafson, representing Ackerly Communications, stated that Ackerly would like to expand its business; however, his concern was with the way the ordinance and its procedure was progressing. He advised that his client would offer the same provisions regarding the charities and the audit and review. Mr. Gustafson indicated that it appeared that the Town had already subconsciously chosen the company. He stated that Ackerly would like the opportunity to be the firm that provided the service. Mr. Gustafson added that he had a packet which contained three leases for billboard sites and suggested that more than ten billboards be allowed. He asked that the sites be placed on the certification list.

Councilmember Santini stated that the ordinance appeared to be generic so whomever the billboard company the Town dealt with would follow the ordinance's guidelines. Mr. Webber replied affirmatively.

Al Tyler discussed competitive bidding.

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Linda Owen, Executive Director of EASE, provided statistics of the families that EASE assisted and hoped that Mr. Truex's comments would be considered.

Charles Shaw, 10801 SW 26 Court, spoke in opposition to the ordinance.

Mr. Webber advised that regarding advertising content, it would not be appropriate for the Town to be involved in or attempt to control the content of the sign. He stated that a previous statement by Gold Coast's representative was that the firm would voluntarily agree not to advertise tobacco or alcohol products; however, this was not a part of the ordinance and would not be controlling on any applicant who applied for signs. Mr. Webber indicated that the Town could not deny signage if an applicant wanted to publish tobacco, alcohol or safe sex advertising.

Greg Gibbs, 1200 Harrison Street, stated that Ackerly would make "any type of deal" with EASE and the company was very interested in the Town. Councilmember Santini asked if Ackerly would be willing to voluntarily prohibit tobacco, alcohol and safe sex advertising. Mr. Gibbs indicated that he thought this could be placed in the EASE agreement.

Kirk Engstrom, 11011 SW 27 Street, spoke in opposition to the ordinance.

Mayor Venis closed the public hearing.

Councilmember Santini made a motion, seconded by Councilmember Bush, to approve item 8.12. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Mayor Venis indicated that item 9.1 would be heard at that time. No objections were noted.

9.1 Town Clerk Reinfeld read the resolution by title.

Debbie Orshefsky, representing the Boys and Girls Club and Gold Coast Advertising, indicated that two actions were required. She said that Council needed to allocate a number of actual billboards and the letter allocating eight of the ten billboards included confirmation that there would be no advertising of cigarettes or alcoholic beverages. Ms. Orshefsky added that a prohibition would be added regarding sex advertising. She advised that Council would also need to certify a number of sites.

Ms. Orshefsky stated that Section 1 of the proposed resolution acknowledged the identification of suitable sites. She advised that the resolution did not provide language that allocated the number of ten available sites and recommended that the beginning of Section 1

be revised to include "The Boys and Girls Club and Gold Coast Advertising are hereby authorized to operate and erect up to eight billboards upon the potential billboard sites described in Exhibit B attached hereto which sites are hereby....".

Councilmember Santini asked if the agreement with Gold Coast was with the Boys and Girls Club of Broward County or the Boys and Girls Club of Davie. Mr. Hughes stated that the Davie club was not a separate entity. Councilmember Santini indicated that the agreement stated that Gold Coast had the sole right to select sites and asked if this overrode the Town's ordinance that stated that the Town had the right to select the sites. Ms. Orshefsky explained that Gold Coast would select from among the certified sites of what the Town had approved. Councilmember Santini stated on page four, contributions needed

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verbiage added that it was a minimum of \$8,000 with 5% of gross.

Councilmember Kiar asked if the Town could guarantee that the funds would be spent in the Town and not to offset any losses that may be sustained by the Boys and Girls Club. Mr. Hughes replied that affirmatively and indicated that this could be placed in writing. Ms. Orshefsky added that this could be incorporated into the agreement.

Allison Oliver described the site locations: 1) south side of I-595, east of SW 71 Terrace and 2) between Costco and NTW.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve site 1. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve site 2. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - no; Councilmember Bush - no; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 3-2)

Councilmember Santini requested that the approval from the property owner and the leasee be obtained before a billboard was installed. Ms. Orshefsky stated that every effort would be made to be a good neighbor, however, some tenants might not have any right to this decision.

Ms. Oliver advised that the location of site 3 was the bowling alley site and site 4 was just west of the City Furniture site.

Discussion followed between Council, Ms. Orshefsky and Mr. Gustafson on the site locations. Vice-Mayor Cox asked if Mr. Gustafson's site locations could be considered at tonight's meeting. Mr. Webber responded that Mr. Gustafson's sites were not an agendaed item but could be added to the agenda and considered. Mr. Gustafson asked that this be done. Ms. Orshefsky stated that the ordinance necessitated that Council determine that the proceeds were going to a not-for profit agency serving the exclusive interests of the Town.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve site 3. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - no; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-1)

Councilmember Santini made a motion, seconded by Councilmember Kiar, to deny site 4. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Ms. Oliver advised that site 5 was east of Pine Island Road between Cellular USA and the Goodyear property.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve site 5. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - no; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-1)

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Ms. Oliver advised that site 6 was south of I-595, west of Nob Hill Road by Imperial Lighting and Digital Lab.

Councilmember Kiar made a motion, seconded by Councilmember Bush, to approve site 6. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - no; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-1)

Ms. Oliver advised that site 7 was being withdrawn.

Ms. Oliver advised that site 8 was the 84 Plaza Shopping Center.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve site 8. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - no; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-1)

Ms. Oliver advised that site 9 was located at the Calvary Chapel on SW 130 Avenue.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to deny site 9. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Ms. Oliver advised that site 10 was by the Chevron Gas Station.

Mayor Venis passed the gavel and made a motion to deny site 10. Councilmember Kiar seconded the motion. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Mayor Venis advised that site 11 was by the Shenandoah Shopping Center.

Vice-Mayor Venis Cox made a motion, seconded by Mayor Venis, to deny site 11. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Ms. Oliver explained that site 12 was by I-75. Ms. Easterling advised that this site was on 148th Avenue and would be directly across from the Vista Filare site.

Councilmember Santini made a motion, seconded by Councilmember Bush, to approve site 12. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - no; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-1)

Ms. Oliver advised that site 13 was at the Nabisco Warehouse, south of 14th Street.

Councilmember Santini made a motion, seconded by Councilmember Bush, to approve site 13. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - no; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-1)

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Ms. Oliver advised that site 14 was located on the west side of I-75, 3025 feet north of Griffin Road.

Councilmember Santini made a motion, seconded by Vice-Mayor Cox, to approve site 14. In a roll call, the vote was as follows: Mayor Venis - no; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - no (see below); and Councilmember Santini - yes. (Motion carried 3-2)

Councilmember Kiar asked to have the vote reconsidered for site 14 as he was unsure of the location. Ms. Orshefsky and Ms. Oliver clarified the location. Councilmember Kiar advised that he wanted to change his affirmative vote to reflect a no vote.

Ms. Oliver advised that site 15 was 1,500 feet north of Griffin Road. Ms. Orshefsky added that it was the southbound/westbound exit ramp from I-75.

Councilmember Santini made a motion, seconded by Councilmember Bush, to approve site 15. In a roll call, the vote was as follows: Mayor Venis - no; Vice-Mayor Cox - no; Councilmember Bush - yes; Councilmember Kiar - no; and Councilmember Santini - yes. (Motion failed 2-3)

Mr. Gustafson explained his proposed site as being a Charles Powers lease near the Turnpike.

Mr. Webber advised that Council should act on item 9.1 and then add Mr. Gustafson's proposed sites to the agenda. He said that action was needed on item 9.1 as amended with the language previously discussed that would limit the approved sites to eight billboards. Ms. Orshefsky advised that three elements of the contract would be amended: 1) content limitations that had been discussed; 2) funds would be expended for Boys and Girls Club activity within the Town; and 3) incorporate the 5% minimum of gross revenues.

Councilmember Santini made a motion, seconded by Councilmember Bush, to approve item 9.1 as amended. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Mayor Venis asked for a motion to add consideration of a lease from Ackerly Communications.

Councilmember Kiar made a motion, seconded by Vice-Mayor Cox Bush, to add. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Councilmember Santini stated that advertising for tobacco and alcohol was between Gold Coast and the Boys and Girls Club and was a part of item 9.1. Mr. Webber replied that this understanding was not a part of item 9.1 but there was no technical requirement that the Town had to be provided with a formal, signed lease until the permitting process. Councilmember Santini stated that the verbal agreement did not have to be a part of the permitting process. Mr. Webber advised that the lease between the non-profit organization and Gold Coast had to cover this issue. Ms. Orshefsky reiterated the voluntary commitment.

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Mr. Gustafson asked that Council approve the site near the Turnpike and explained the surrounding area. He added that the same commitment would be made in the letter to the EASE or PAL program.

Councilmember Bush made a motion, seconded by Councilmember Kiar, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Mr. Webber stated that Mr. Gustafson's site needed to be incorporated into a resolution and the resolution added to the agenda. He indicated that the resolution should be similar to item 9.1 and read the recommended resolution. Mayor Venis asked for a motion to add a resolution as item 9.4 pursuant to Mr. Webber's statement.

Councilmember Kiar made a motion, seconded by Vice-Mayor Cox, to add. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

**9.4 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CERTIFYING BILLBOARD SITES PURSUANT TO SECTION 12-238(J)(9) OF THE CODE OF THE TOWN OF DAVIE PURSUANT TO THE REQUEST OF ACKERLY COMMUNICATIONS GROUP, INC.; AND PROVIDING AN EFFECTIVE DATE.**

Councilmember Kiar made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

**8.8 REZONING - ZB 5-2-96, Bamonte/Hollywood Lincoln Mercury, 4190 South University Drive (from B-3 to B-3, amending the conceptual master plan)**  
*Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board denied*

Town Clerk Reinfeld swore in the witnesses. Ms. Mellgren read the planning report and stated that the following documents were to be included into the record: the application, the subject site map, planning report, and an aerial.

Tom Gustafson, representing the petitioner, advised that since the Planning and Zoning board meeting, the petitioner had met with the residents to the south and accommodations had been met.

Jeff Gross explained the request and answered questions posed by Mr. Gustafson. Mr. Gustafson introduced into evidence documents that were sent to Ms. Easterling regarding the alternate master plan.

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Lou Orosz provided his background as a planner and discussed the rezoning.

Guy Mason Wachtstetter provided his background in property evaluation and discussed the rezoning.

Dan Reef provided his background and discussed the request.

Bob Bamonte read a letter from the Davie/Cooper City Chamber of Commerce which was in support of the project which Mr. Gustafson introduced into evidence.

Mr. Webber asked if anyone wished to provide testimony in favor of the rezoning. The following individuals spoke:

James Gray, 4272 SW 78 Drive. He provided a petition signed by 28 of the 30 homeowners.

William Hoffman, 4201 SW 78 Drive.

Nancy Applequist, 4125 SW 76 Avenue.

Mr. Webber asked if anyone wished to provide testimony in opposition to the rezoning. The following individual spoke:

Jay Stahl, 5801 Surrey Circle West.

Mr. Gustafson stated that the petitioner had previously made eight commitments to the owners and a recommitment had been made. He explained that hours of service would be restricted from Monday through Friday from 8:00 a.m. to 6:00 p.m. and Saturday from 8:00 a.m. to 1:00 p.m. Mr. Gustafson discussed the lighting.

Ms. Mellgren discussed the previous variance and rezoning requests.

Mr. Webber stated that the hearing was concluded and Council could deliberate.

Councilmember Kiar commended the petitioner and the community for working together.

Councilmember Santini requested that the Planning and Zoning Board's reason for denial be included in the planning report. Ms. Mellgren explained that because of the Snyder decision, this information was not able to be presented unless asked at the Council meeting. Councilmember Santini asked for the Board's rationale for denial which Ms. Mellgren explained.

Mr. Gustafson reminded Council that he had entered into evidence an alternate plan that was consistent with the homeowner's request and he hoped that Council would accept the alternate. He pointed to the changes on a display board.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve subject to the alternate conceptual plan. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

**8.9 PLANNING AND ZONING BOARD TABLED TO JUNE 26, 1996;  
COUNCIL CAN TABLE TO JULY 3, 1996**

VARIANCE - V 4-2-96, New Town Commerce Center, Ltd., 3801 - 4131 SW 47 Avenue (M-3) (tabled from June 5, 1996)

This item was previously tabled to July 3, 1996.

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- 8.10 **LAND USE PLAN AMENDMENT** - LA 96-1, Westwind Contracting, Inc., located on the south side of State Road 84 approximately 1/2 mile east of Flamingo Road (from R-5 to Commercial) (tabled from June 5, 1996) *Planning and Zoning Division approved; Planning and Zoning Board denied*

This item was previously tabled to July 17, 1996.

- 8.11 **LAND USE PLAN AMENDMENT** - LA BC 96-2, Rubin/Sunny Lakes, Inc., 5400 Griffin Road (from R-5 to RO and C) (tabled from May 15, 1996) *Town Council denied (3-2, April 17, 1996)*

Ms. Mellgren indicated that this item was being continued from earlier in the meeting.

Dick Coker, representing the petitioner, stated that specific issues had been raised when this item had previously been heard by Council. He indicated that the issues included soil conditions on this property and the surrounding properties and how the conditions related. Mr. Coker advised that a soil analysis had been provided to in the Council packet. He said that the soil conditions on this property had no effect on the soil conditions on the adjacent property. Mr. Coker added that any filling of the property or construction would have no effect on the adjacent residential property.

Town Clerk Reinfeld swore in persons who were not previously sworn in.

Councilmember Bush announced that he had met with most of the residents near this site. Vice-Mayor Cox disclosed that she had discussed some of the issues with several residents and Mr. Rubin. Mayor Venis disclosed that he had visited the neighborhood and the site. He added that he had toured the site and had reviewed the issues with various neighbors.

An unidentified man (Dick Rubin) discussed the soil analysis and indicated that the report stated that the effects of construction on the proposed site should not have any effect on the adjacent residents.

An unidentified man (Mr. Frances) provided his background and explained the analysis.

Mr. Rubin reiterated previous commitments that dredging would not be performed on the property.

After a lengthy discussion, Councilmember Santini asked for a full geology study on "both sides" to see the impact of a development. Mayor Venis indicated that he thought this was what Council was to have received. Vice-Mayor Cox questioned what the property owner's obligation was to provide a study of other properties. Mayor Venis stated that previously, Council had denied the request and the conditions were that the petitioner meet with the residents and a geological study be obtained. Mr. Coker advised that the analysis was as certain as was technically possible and indicated that there was no technical issue. Councilmember Kiar also was in favor of a full study. Vice-Mayor Cox stated that if the petitioner wanted to build homes on this property, he would be able to. She added that if Council would not allow the development of the property because of the neighbors, this constituted a taking and the Town would have to purchase the property.

Mr. Coker asked questions on the soil testing which Mr. Frances answered.

Councilmember Santini indicated that the second issue was that the petitioner was to have negotiated with the residents and she had not seen any evidence of this. Mr. Rubin advised that the petitioner did not have a legal right to go on anyone's property to drill

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holes nor was permission given from any of the property owners at the last meeting. He indicated that he received a copy of a professional study from 1989 which paralleled what was expected to be found. Mr. Rubin added that Mr. Frances had related that even if the buildings were to be built at the property line, this would not effect the homes. Councilmember Santini stated that she understood Mr. Frances to say that unless soil testing was done where the homes were falling down, he could not positively say that construction of vibrations would affect these homes. Mr. Frances stated a study was done in 1989 and reiterated that he relied on this information. Mayor Venis asked if circumstances could provide dramatic changes since the 1989 report. Mr. Frances replied that this was unlikely. Discussion followed.

Mr. Webber asked if anyone wished to provide testimony in favor of the land use plan amendment. No one spoke.

Mr. Webber asked if anyone wished to provide testimony in favor of the land use plan amendment. The following individuals spoke in favor/opposition:

Nick Williams, 4620 SW 54 Terrace.

Vince Arico, 4630 SW 54 Terrace.

Don Turner, 4610 SW 54 Terrace.

Don Whittenberg, 4600 SW 54 Terrace.

Mike Derider, 5291 SW 48 Street, suggested that this parcel be purchased for open space purposes.

Debbie Apolinario, 2940 SW 148 Avenue, questioned what made a property eligible for open space which Vice-Mayor Cox explained. Vice-Mayor Cox added that this property was not listed in the original open space bond issue and bond monies should not be used to purchase this property. Ms. Apolinario agreed.

Mr. Coker provided concluding comments and indicated that tonight's action was only for the transmittal of the land use plan amendment. He stated that it was not fair to hold the petitioner accountable for the problems that existed on the surrounding properties. Mr. Coker added that it was not fair to hold the petitioner hostage because of the resident's desire to live next to open space.

Mr. Rubin provided his concluding comments.

Ms. Mellgren explained that various funding sources had been reviewed and discussed the available grants, raising tax revenues or a town-wide bond issue.

Mr. Webber stated that the hearing was concluded and Council could deliberate.

Councilmember Kiar stated that previous testimony indicated that testing was conducted in 1976 by another individual which he considered hearsay. He reiterated his request for full report that was current. Vice-Mayor Cox disagreed and indicated that the petitioner was requested to provide a geotechnical assessment of the property which was provided and the expert had testified. Councilmember Santini agreed that the study needed to be reconducted and she hoped the residents would allow their soil to be tested.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to table this item to allow for a full geological report. Mr. Webber advised that the motion needed to be to a time certain. After a brief discussion, Councilmember Santini amended her motion to table the item for sixty days which was the second meeting in August [August 21, 1996]. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - no; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-1)

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- 8.12 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING SECTION 12-238(J)(9) OF THE TOWN CODE RELATING TO BILLBOARDS; PROVIDING THAT THE TOWN MAY PERMIT NO MORE THAN TEN (10) BILLBOARDS WITHIN THE TOWN OF DAVIE, SAID BILLBOARDS TO BE PERMITTED ONLY IF THE TOWN COUNCIL FINDS THAT REQUIREMENTS FOR GRANTING SAID PERMIT HAVE BEEN MET, AS MORE PARTICULARLY SET FORTH HEREIN; PROVIDING FOR CERTIFICATION OF SITES BY THE TOWN COUNCIL; PROVIDING FOR THE TOWN TO ENTER INTO AGREEMENTS SUBSTANTIALLY IN THE FORM ATTACHED HERETO; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

This item was previously approved.

**9. RESOLUTIONS**

- 9.1 SITE CERTIFICATIONS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CERTIFYING BILLBOARD SITES PURSUANT TO SECTION 12-238(J)(9) OF THE CODE OF THE TOWN OF DAVIE PURSUANT TO THE REQUEST OF THE BOYS AND GIRLS CLUB OF BROWARD COUNTY, INC. AND GOLD COAST ADVERTISING; AND PROVIDING AN EFFECTIVE DATE**

This item was previously approved.

- 9.2 LAND USE PLAN AMENDMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO TRANSMIT A LAND USE PLAN AMENDMENT TO THE BROWARD COUNTY PLANNING COUNCIL WITH APPROPRIATE RECOMMENDATIONS; AND PROVIDING AN EFFECTIVE DATE. (tabled from May 15, 1996) (LA BC 96-2, Rubin/Sunny Lakes, Inc.) Town Council transmitted resolution denying amendment (3-2, April 17, 1996)**

Councilmember Kiar made a motion, seconded by Councilmember Santini, to table item 9.2 for 60 days [August 21, 1996]. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - out of room; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

- 9.3 LAND USE PLAN AMENDMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO TRANSMIT A LAND USE PLAN AMENDMENT TO THE BROWARD COUNTY PLANNING COUNCIL WITH APPROPRIATE RECOMMENDATIONS; AND PROVIDING AN EFFECTIVE DATE. (LA 96-1, Westwind Contracting, Inc.)**

This item was previously tabled to July 17, 1996.

**10. APPOINTMENTS**

- 10.1 Affirmation of the Community Redevelopment Agency's Selection of Chairman and Vice-Chairman (Chairman - Neal Kalis; Vice-Chairman - Lowell Goode)**

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Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve Neil Kalis as Chairman and Lowell Goode as Vice-Chairman. In a voice vote, all voted in favor.

**10.2 Florida League of City Voting Delegate**

Councilmember Kiar advised that he was the current delegate and had enjoyed the experience. In a voice vote on Councilmember Kiar being the delegate, all voted in favor.

**11. DISCUSSION**

**11.1 Conversion of the Davie Treatment Facility to Aquaculture Facility**

Mayor Venis suggested that this item be deferred to the July 3, 1996 meeting. In a voice vote, all voted in favor.

**11.2 Water Deposit Rebate for Common Areas for Condominiums and Associations**

Mayor Venis suggested that this item be deferred to the July 3, 1996 meeting. In a voice vote, all voted in favor.

Councilmember Santini suggested that the Discussion item and Town Administrator's Report be heard earlier in the meeting after Councilmember Comments. There were no objections.

**12. TOWN ADMINISTRATOR'S REPORT**

No report was given.

**13. ADJOURNMENT**

There being no objections or further business, the meeting was adjourned at 2:25 a.m.

APPROVED \_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

\_\_\_\_\_  
Town Clerk